

TIMOTHY HOPSON, SR.,

Plaintiff,

v.

GPM INVESTMENTS, LLC,

Defendant.

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Case No. 2:23-cv-36

Judge Travis R. McDonough

Magistrate Judge Cynthia R. Wyrick

Before the Court is Magistrate Judge Cynthia R. Wyrick's report and recommendation (Doc. 6), which recommends that the Court dismiss Plaintiff Timothy Hopson, Sr.'s amended complaint without prejudice.

Case 2:23-cv-00036-TRM-CRW Document 7 Filed 06/23/23 Page 1 of 2 PageID #: 38

On screening, Magistrate Judge Wyrick found that Plaintiff had not alleged sufficient facts to invoke this Court's subject-matter jurisdiction. (Doc. 4, at 4.) Specifically, Plaintiff did not allege facts from which the Court could determine Defendant's citizenship for purposes of diversity jurisdiction. (*Id.*) Magistrate Judge Wyrick therefore ordered Plaintiff to file an amended complaint that set forth the additional facts necessary to invoke jurisdiction within thirty days and placed Plaintiff on notice that failure to do so would result in a recommendation that the Court dismiss this action without prejudice. (*Id.* at 5.)

Plaintiff timely filed an amended complaint (Doc. 5). However, the amended complaint still did not adequately allege Defendant's citizenship. (*Id.* at 3, 5–6.) Accordingly, Magistrate Judge Wyrick screened the amended complaint and recommended that the Court dismiss this action without prejudice for lack of subject-matter jurisdiction. (Doc. 6, at 3.) Plaintiff filed no timely objection to Magistrate Judge Wyrick's report and recommendation.

After reviewing the record, the Court agrees with Magistrate Judge Wyrick's report and recommendation. The Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Wyrick's report and recommendation (Doc. 6). This action **SHALL** be **DISMISSED WITHOUT PREJUDICE**.

AN APPROPRIATE JUDGMENT WILL ENTER.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE